



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

100 CHURCH STREET  
NEW YORK, NY 10007

**HON. SYLVIA O. HINDS-RADIX**  
*Corporation Counsel*

**LAUREN F. SILVER**  
Assistant Corporation Counsel  
Phone: (212) 356-2507  
E-mail: lasilver@law.nyc.gov  
*E-mail and Fax Not For Service*

September 1, 2023

**By ECF**

Honorable Denny Chin  
U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

Re: Pitre v. City of New York, et al., 18-CV-5950 (DC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants in the above-referenced action.

I write respectfully to dispute the multiple inaccuracies in the letter that Plaintiff's Counsel, Mr. Seamus Barrett, filed late on August 30, 2023. Defendants do not wish to waste the Court's time with a tit for tat exchange on what occurred regarding the pretrial documents that were due. However, Defendants feel it necessary to present the Court with the parties' email exchanges on these issues to inform the Court as to what actually transpired regarding the pretrial documents.<sup>1</sup> Accordingly, I have attached our email communications for the Court's review as Exhibit A.

Additionally, as the Court is aware, Defendants submitted proposed voir dire, jury instructions, and verdict sheet which were due to the Court on August 30, 2023. Defendants also submitted the other documents required by Hon. Victor Marrero's rules, including motions in

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<sup>1</sup> Defendants note that the undersigned is the only attorney in this Office that has been working on this case, other than her supervisor, Ms. Maria DeCastro, who has extremely limited availability due to the fact that she is preparing for trial in *Taylor v. City of New York*, 17-CV-01424 (MKV)(SDA), which is to begin on September 6, 2023, in front of the Hon. Mary Kay Vyskocil. Mr. Stephen Suhovsky, who is co-counsel to the undersigned, is on vacation and Mr. Edwar Estrada no longer works for the Corporation Counsel of the City of New York.

*limine* and a pretrial memorandum of law. As articulated in the letter filed by Defendants on that same date, the undersigned attempted to work with Mr. Barrett to submit joint documents and Mr. Barrett refused to meaningfully participate in the process of creating these documents. (Dk. 93).

Yesterday the Court granted Plaintiff an extension to submit the joint proposed jury instructions and verdict sheet. Mr. Barrett sent revisions to Defendants' proposed jury instructions at 9:30 p.m. on August 30, and only sent revisions to Defendants' proposed verdict sheet at 5:17 p.m. on August 31. The undersigned only highlights this for Your Honor to explain why the parties could not submit more joint proposed language in the joint jury instructions and verdict sheet.

I thank the Court for its attention in this matter.

Respectfully Submitted,

s/ Lauren F. Silver

Lauren F. Silver  
Assistant Corporation Counsel

cc: Counsel of Record (By ECF)

**From:** [Seamus Barrett](#)  
**To:** [Silver, Lauren \(LAW\)](#); [DeCastro, Maria Fernanda \(Law\)](#); [Suhovsky, Stephen \(Law\)](#)  
**Cc:** [Josh Satterm](#)  
**Subject:** RE: [EXTERNAL] Re: Verdict sheet  
**Date:** Thursday, August 31, 2023 5:18:41 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[spb markup Proposed Jury Verdict Sheet Pitre 08.31.23.docx](#)

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Hi Laura,

Please see the attached marked up verdict sheet.

Please send me your revisions to the marked up jury instructions I sent.

How much longer to you think that will take?

Best,

**Seamus P. Barrett, Esq.**

**DEREK SMITH LAW GROUP, PLLC**

***Sexual Harassment and Discrimination Lawyers***

NYC Office: One Penn Plaza, Suite 4905 | New York, New York 10119

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**From:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>

**Sent:** Thursday, August 31, 2023 1:34 PM

**To:** Seamus Barrett <seamus@dereksmithlaw.com>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>; Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>

**Cc:** Josh Satttem <josh@dereksmithlaw.com>

**Subject:** RE: [EXTERNAL] Re: Verdict sheet

Please get the proposed verdict sheet to us by 4pm. I am working on your edits to the jury instructions which you sent to us at 9:30pm last night. The Court granted you an extension until today. If you need more time please ask the Court for additional time.

---

**From:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>

**Sent:** Thursday, August 31, 2023 1:29 PM

**To:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>; Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Cc:** Josh Satttem <[josh@dereksmithlaw.com](mailto:josh@dereksmithlaw.com)>

**Subject:** [EXTERNAL] Re: Verdict sheet

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to [phish@oti.nyc.gov](mailto:phish@oti.nyc.gov) as an attachment (Click the More button, then forward as attachment).

Working on that now. I have about an hour and a half more revisions on it (maybe less), but I cracked my molar while asleep overnight and I have to run to an emergency dental appointment right now, that may take 2 hours or more. Do you have a hard 6pm exit time again today?

**Seamus P. Barrett, Esq.**

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**From:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>  
**Sent:** Thursday, August 31, 2023 1:19 PM  
**To:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>; Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>  
**Subject:** Re: Verdict sheet

\*proposed

**Lauren F. Silver**

Labor and Employment Law Division

New York City Law Department

100 Church Street

New York, NY 10007

(212) 356-2507

[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)

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**From:** Silver, Lauren (LAW)  
**Sent:** Thursday, August 31, 2023 12:58:55 PM  
**To:** [seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com) <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>; Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>  
**Subject:** Verdict sheet

Can you please send me the postponed verdict sheet

**Lauren F. Silver**

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[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)

**From:** [Seamus Barrett](#)  
**To:** [Silver, Lauren \(LAW\)](#); [DeCastro, Maria Fernanda \(Law\)](#)  
**Cc:** [Suhovsky, Stephen \(Law\)](#)  
**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet  
**Date:** Wednesday, August 30, 2023 9:33:24 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[Outlook-pujefwzb.png](#)  
[Outlook-rkwk2lm0.png](#)  
[Outlook-gcils1vr.png](#)  
[Outlook-334kdo1q.png](#)  
[PLAINTIFF'S Proposed Jury Instructions -Pitre SPB REDLINE 8.30.23.docx](#)

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Lauren,

Since it appears that the proposed Joint Jury Instructions have not been filed and it was due today, I am filing a clean version of the attached redline as "Plaintiff's Proposed Jury Instructions", similar to what you did with the proposed verdict sheet earlier.

As you can see from the redline, most of the version you sent remains unchanged.

Best regards,

**Seamus P. Barrett, Esq.**

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**From:** Seamus Barrett <seamus@dereksmithlaw.com>  
**Sent:** Wednesday, August 30, 2023 5:44 PM  
**To:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>  
**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>  
**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

I'm fine with that, I thought it was already filed. But I didn't see the proposed jury instructions filed.

**Seamus P. Barrett, Esq.**

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**From:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>  
**Sent:** Wednesday, August 30, 2023 5:42:21 PM  
**To:** Seamus Barrett <seamus@dereksmithlaw.com>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>  
**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>  
**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

I will file the JPTO now with the revisions we sent at 4:17pm.

**Lauren F. Silver**  
Labor and Employment Law Division  
New York City Law Department  
100 Church Street



New York, NY 10007  
(212) 356-2507  
[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)

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**From:** Seamus Barrett <seamus@dereksmithlaw.com>  
**Sent:** Wednesday, August 30, 2023 5:40:35 PM  
**To:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>  
**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>  
**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Laura,

I thought you already filed the JPTO. I'm trying to wrap up the revisions to the jury charge.

You are not available to work on this after 5:30 today?

Can Maria or another attorney in your office jump in if you're unavailable?

**Seamus P. Barrett, Esq.**

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**From:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>  
**Sent:** Wednesday, August 30, 2023 5:37:10 PM  
**To:** Seamus Barrett <seamus@dereksmithlaw.com>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>  
**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>

**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Hi Seamus,

I have not heard from you regarding the JPTO. This is due today. It is now 530pm. I am leaving the office in 15 minutes. If you have any changes please send them to me by 5:45. Otherwise, please file the JPTO without any further edits that we sent you at 4:17pm.

Thank you,

Lauren

**Lauren F. Silver**

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100 Church Street

New York, NY 10007

(212) 356-2507

[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)

---

**From:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>

**Sent:** Wednesday, August 30, 2023 5:19:13 PM

**To:** 'Seamus Barrett' <seamus@dereksmithlaw.com>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>

**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>

**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Seamus,

Do you have any changes ? Send them to me so I can file the JPTO. Thanks,

Lauren

**Lauren F. Silver**

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[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)

---

**From:** Silver, Lauren (LAW)

**Sent:** Wednesday, August 30, 2023 4:17:27 PM

**To:** 'Seamus Barrett' <seamus@dereksmithlaw.com>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>

**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>

**Subject:** RE: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

I filed all the documents at 3:30. Attached is the JPTO with our revisions. Please send us any other proposed changes by 5pm.

Thanks.

Lauren

---

**From:** Seamus Barrett <seamus@dereksmithlaw.com>  
**Sent:** Wednesday, August 30, 2023 4:04 PM  
**To:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>  
**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>  
**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Lauren,

I see that you've been submitting documents that we've been instructed to file jointly. I am almost finished with the proposed jury instructions revisions.

Please do not file your version. I will have that to you by 6:00 PM

**Seamus P. Barrett, Esq.**

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**From:** Seamus Barrett <seamus@dereksmithlaw.com>  
**Sent:** Wednesday, August 30, 2023 2:33 PM  
**To:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>  
**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>  
**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Lauren,

Please see the attached:

- Plaintiff's redlined version of the proposed JPTO
- Plaintiff's 3<sup>rd</sup> Supplemental 26(a) disclosures

Best regards,

**Seamus P. Barrett, Esq.**

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**From:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>

**Sent:** Wednesday, August 30, 2023 1:48 PM

**To:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>

**Cc:** Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

I can send you my revisions of the JPTO before 3:00, but I do not consent to the filing of any of the joint proposed documents until further notice.

**Seamus P. Barrett, Esq.**

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**From:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>  
**Sent:** Wednesday, August 30, 2023 1:42:28 PM  
**To:** Seamus Barrett <seamus@dereksmithlaw.com>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>  
**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>  
**Subject:** RE: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Seamus, we will not be joining in on an extension and dispute that these documents are prejudicial as claimed. You have not sent us a single revision, even the JPTO, which only requires you to insert objections to our proposed exhibits. We will give you until 3pm, otherwise we will be filing documents. We will note your objection in the letter.

---

**From:** Seamus Barrett <seamus@dereksmithlaw.com>  
**Sent:** Wednesday, August 30, 2023 1:28 PM  
**To:** Silver, Lauren (LAW) <Lasilver@law.nyc.gov>; DeCastro, Maria Fernanda (Law) <mdecastr@law.nyc.gov>  
**Cc:** Suhovsky, Stephen (Law) <ssuhovsk@law.nyc.gov>  
**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Lauren,

My client refused to allow me to consent to the extension because of the previous lengthy delays. I understand your position, but these drafts unfortunately need to be thoroughly revised, which I did not expect to be the case.

I believe perhaps he may be amenable to a short adjournment of a few weeks, but not of a few months like the previous delay. But given the Court's calendar, we are concerned that another lengthy delay would be the result of an adjournment request.

I will join a request for another short extension if you'll agree to it. Say until Friday.

Happy to discuss on a quick call.

Best,

**Seamus P. Barrett, Esq.**

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**From:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>

**Sent:** Wednesday, August 30, 2023 1:19:36 PM

**To:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>

**Cc:** Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Subject:** RE: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Seamus, I have been very understanding of your vacation and bereavement leave. In fact, weeks ago I told you that if you wanted any extension for the trial, we would consent. You said that you wanted to begin the trial on Sept 25 despite your vacation and bereavement leave. It is not acceptable to get us the revisions the afternoon that they are due. We cannot meaningfully review your edits with such little time.

---

**From:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>

**Sent:** Wednesday, August 30, 2023 1:15 PM

**To:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>

**Cc:** Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Lauren,

I have been working on revisions non stop since yesterday for the JPTO, verdict sheet and jury instructions.

The first opportunity I had to review these was when I returned from bereavement leave and subsequent long-planned vacation yesterday that lasted from Aug. 11 to Aug. 28.

I wouldn't have so many revisions I need to make if your drafts weren't so colored to be favorable to the defendants.

I am working to get my proposed revisions to you ASAP.

A single day is not a reasonable time to review and revise this set of documents that must be so heavily revised.

I do not consent to filing your very prejudicial drafts at 2:00 pm.

**Seamus P. Barrett, Esq.**

## DEREK SMITH LAW GROUP, PLLC

***Sexual Harassment and Discrimination Lawyers***

NYC Office: One Penn Plaza, Suite 4905 | New York, New York 10119

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**From:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>

**Sent:** Wednesday, August 30, 2023 1:02:52 PM

**To:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>

**Cc:** Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Subject:** RE: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Hi Seamus, it is now 1pm and we have not heard from you with changes on the JPTO, verdict sheet or jury instructions. We sent these documents to you on August 18 but have not received a single edit to date. If we do not get these documents by 2pm we will be filing the JPTO, and writing to the Court explaining why these documents are not a joint submission. If you need more time, I suggest you email the Court to ask.

---

**From:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>

**Sent:** Tuesday, August 29, 2023 6:42 PM

**To:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>

**Cc:** Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Thank you for letting me know. Please get them to me by noon as I am sure we will have to review your changes and exchange a few drafts and it's due tomorrow.

**Lauren F. Silver**

Labor and Employment Law Division  
New York City Law Department  
100 Church Street  
New York, NY 10007  
(212) 356-2507  
[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)

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**From:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>

**Sent:** Tuesday, August 29, 2023 6:24:08 PM

**To:** Silver, Lauren (LAW) <[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>

**Cc:** Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Hi Lauren,

I've been trying to speak with my client all day regarding the proposed pretrial documents submission. I still haven't heard back from him. He's usually pretty responsive, but I will have to get our proposed revisions to you in the morning.

Best regards,

**Seamus P. Barrett, Esq.**

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**From:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>

**Sent:** Tuesday, August 29, 2023 2:44 PM

**To:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>; DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>

**Cc:** Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Hi Lauren,

I left you a voicemail a little while ago. I'm guessing you've seen that this case has been reassigned to Hon. Denny Chin, who is a 2<sup>nd</sup> Circuit Judge. I can't find any individual rules for him, and I've heard that Circuit court judges don't have individual rules, but I wanted to call chambers to see if there is any possibility that the trial date will stay the same. I can't find any number for his chambers, and I've tried calling both the 2<sup>nd</sup> Circuit and SDNY clerks.

Presumably, the date will not be the same because it's a new judge with a new calendar, but I think it would be helpful to know before we file the proposed JPTO, etc. by tomorrow.

Do you think we should just file a joint letter requesting to stay tomorrow's deadline until the new status conference that was just scheduled for next Wednesday?

Feel free to call my cell to discuss. 310.902.9709

Best regards,

**Seamus P. Barrett, Esq.**

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**From:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>  
**Sent:** Friday, August 25, 2023 10:45 AM  
**To:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>  
**Cc:** DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>; Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>  
**Subject:** Re: [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

That's fine. If you want to request an extension we will consent. Please file it by 2pm. Thanks.

**Lauren F. Silver**  
Labor and Employment Law Division  
New York City Law Department  
100 Church Street  
New York, NY 10007  
(212) 356-2507  
[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)

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**From:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>  
**Sent:** Friday, August 25, 2023 10:42:17 AM  
**To:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>  
**Cc:** DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>; Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>  
**Subject:** [EXTERNAL] Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

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Hi Lauren,

We do not consent to the filing of any of those documents as currently drafted. As you're aware, I am away from the office on vacation, and when you sent the drafts last Friday I was out on bereavement leave, so I have not had the chance to review them in detail with my client. He is in California, and the three-hour time difference means that we will

not have enough time to confer to review/revise these documents by 2:00 PM today.

I suggest that we request an extension, pushing the deadline to Wednesday.

Please advise if you will consent or join that request.

Best regards,

**Seamus P. Barrett, Esq.**

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---

**From:** Silver, Lauren (LAW) <[Lasilver@law.nyc.gov](mailto:Lasilver@law.nyc.gov)>

**Sent:** Friday, August 25, 2023 10:22 AM

**To:** Seamus Barrett <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>

**Cc:** DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>; Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>

**Subject:** Re: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Hi Seamus,

We have not heard back from you regarding the documents due to the Court today. We plan to file them by 2pm today.

Thanks,

Lauren

**Lauren F. Silver**

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100 Church Street  
New York, NY 10007  
(212) 356-2507  
[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)

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**From:** Silver, Lauren (LAW) <[lasilver@law.nyc.gov](mailto:lasilver@law.nyc.gov)>  
**Sent:** Wednesday, August 23, 2023 1:26 PM  
**To:** [seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com) <[seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)>  
**Cc:** DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>; Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>  
**Subject:** RE: Pitre - JPTO, Jury Instructions, and Verdict Sheet

Hi Seamus,  
I wanted to follow up with you regarding the JPTO, Jury Instructions, and Verdict Sheet I sent to you last week which are due to the Court this Friday. Please send us any changes by EOB tomorrow so we can finalize them and file them. I won't be available past 2pm on Friday so any changes we need to work out before then,  
Thanks,  
Lauren

---

**From:** Silver, Lauren (LAW)  
**Sent:** Friday, August 18, 2023 2:26 PM  
**To:** [seamus@dereksmithlaw.com](mailto:seamus@dereksmithlaw.com)  
**Cc:** DeCastro, Maria Fernanda (Law) <[mdecastr@law.nyc.gov](mailto:mdecastr@law.nyc.gov)>; Suhovsky, Stephen (Law) <[ssuhovsk@law.nyc.gov](mailto:ssuhovsk@law.nyc.gov)>  
**Subject:** Pitre - JPTO, Jury Instructions, and Verdict Sheet

Hi Seamus,  
Attached is the proposed JPTO, jury instructions and verdict sheet. Per our conversation on Wednesday, please confirm that we are proceeding on September 25, 2023.

**Lauren F. Silver**  
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